

**UNITED STATES DISTRICT COURT,
FOR THE DISTRICT OF PUERTO RICO**

W Holding Company, Inc., et al.,)	
Plaintiffs,)	Civil No. 11-2271 (GAG)
)	
v.)	
)	
Chartis Insurance Co. of Puerto Rico,)	
Defendant,)	
)	
Federal Deposit Insurance Corp.,)	
Plaintiff Intervenor,)	
)	
v.)	
)	
Frank Stipes Garcia, et al.,)	
Cross Claim Defendants,)	
)	
Chartis Insurance Co. of Puerto Rico,)	
Previously Joined Defendant,)	
)	
Marlene Cruz Caballero, et al.)	
<u>Additional Defendants.</u>)	

NOTICE OF APPEAL

TO THE HONORABLE COURT:

Notice is hereby given that Defendant Chartis Insurance Company of Puerto Rico (“Chartis”) above named hereby appeals pursuant to 28 U.S.C. §1292(a)(1) from the following orders entered in the above-entitled action:

(1) The order entered on July 3rd, 2012 granting the motion to advance defense costs brought by the Westernbank Directors and Officers, the Spouses, and the Conjugal Partnerships (collectively the “Insureds”) (Doc. 211). The Westernbank Directors and Officers are Frank C. Stipes Garcia, Juan C. Frontera Garcia, Héctor Del Rio Torres, William Vidal Carvajal, César Ruiz, and Pedro R. Dominguez. The “Spouses” are Gladys Barletta Segarra, Hannalore Schmidt Michels, Sonia Sotomayor Vicenty, Lilliam Maria Diaz Cabassa, and Marlene Cruz. The

“Conjugal Partnerships” are Ruiz-Schmidt, Del Rio-Diaz, Vidal-Barletta, Dominguez-Sotomayor and Frontera-Cruz.

(2) The order entered on July 19th, 2012 denying Chartis’ FRCP 59(e) motion to alter or amend the July 3rd, 2012 order (Doc. 227).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of August, 2012.

**For Chartis Insurance Company
of Puerto Rico**

/s/ Luis N. Saldaña
Luis N. Saldaña, Esq.

/s/ Fernando Sabater-Clavell
Fernando Sabater-Clavell, Esq.

Saldaña, Carvajal & Vélez-Rivé, P.S.C.
166 Constitución Avenue
San Juan, P.R. 00901
Tel. 787-289-9250 / Fax 787-289-9253
lsaldana@scvrlaw.com
fsabater@scvrlaw.com

James K. Thurston, Esq.
Pro Hac Vice Admitted
Anjali Das, Esq.
Pro Hac Vice Admitted
**Wilson, Elser, Moskowitz,
Edelman & Dicker LLP**
55 W. Monroe Street, Suite 3800
Chicago, IL. 60603
Tel. 312-821-6125 / Fax 312-704-0550
E-mail: james.thurston@wilsonelser.com
E-mail: anjali.das@wilsonelser.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1st, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.